

STATE OF MISSOURI
MISSOURI BOARD OF PHARMACY

IN RE:)	
)	
VICTORIA ROBINSON WALKER)	Complaint No. 2010-01237
3761 Finney)	
St. Louis, MO 63113)	

**SETTLEMENT AGREEMENT BETWEEN STATE BOARD
OF PHARMACY AND VICTORIA ROBINSON WALKER**

Come now Victoria Robinson Walker ("Licensee" or "Respondent") and the Missouri Board of Pharmacy ("Board" or "Petitioner") and enter into this Settlement Agreement for the purpose of resolving the question of whether Licensee's license as a pharmacist will be subject to discipline.

Pursuant to the terms of Section 536.060, RSMo, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensee's license, and, additionally, the right to a disciplinary hearing before the Board under Section 621.110, RSMo.

Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against her and, subsequently, the right to a disciplinary hearing before the Board at which time it may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee knowingly and

voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to her.

Licensee acknowledges that she has received a copy of the draft complaint, the investigative report, and other documents relied upon by the Board in determining there was cause to discipline her license.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Board that Licensee's license, numbered 045042, is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621 and Chapter 338, RSMo.

JOINT STIPULATION OF FACTS

1. The Board is an agency of the State of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.

2. Respondent Victoria Robinson Walker ("Respondent") is licensed by the Board as a pharmacist as defined by §338.010 RSMo., License No. 045042. Respondent's permit is, and was at all times relevant herein, current and active.

3. Respondent served as Pharmacist-In-Charge ("PIC") of Target Pharmacy T-1515, 4255 Hampton Avenue, St. Louis, MO 63109 from May 4, 2008 to the present date.

4. The Board received information from Janet Blunt, R.Ph, a District Supervisor for Target Pharmacy who reported that a pharmacy technician was suspected of stealing controlled substances from Target Pharmacy T-1515 at 4255 Hampton Avenue, St. Louis, MO 63109

("Target Pharmacy").

5. On or about February 27, 2010, R.Ph Blunt contacted Board Inspector Mike Kidd to advise that a pharmacy technician, R.M., had been caught on video stealing controlled substances from Target Pharmacy at 4255 Hampton Avenue, St. Louis, MO 63109 and had been arrested by the Drug Enforcement Agency ("DEA").

6. The Board received written correspondence from Inspector Kidd on March 4, 2010 advising of technician R.M.'s arrest.

7. On or about March 25, 2010, the Board assigned Inspector Mike Kidd to further investigate the allegations and circumstances surrounding the arrest of pharmacy technician R.M. and the loss of controlled substances at the Target Pharmacy where Respondent served as PIC. The Board's investigation was assigned Complaint No. 2010-001237.

8. On or about April 14, 2010, Board Inspector Kidd prepared and finalized an Investigation Report in Complaint No. 2010-001237 which summarized his findings. The April 14, 2010 Investigation Report was received by the Board on April 19, 2010.

9. The Board reviewed Inspector Kidd's April 14, 2010 Investigation Report and the documentation attached thereto.

10. Based upon its review of investigative information concerning the acts and conduct of Respondent, the Board concluded, pursuant to Section 338.055.3, RSMo. (2000), that Respondent engaged in conduct which would be grounds for disciplinary action by the Board.

Loss of Controlled Substances

11. R.M. was employed as a pharmacy technician for Target Pharmacy on Hampton Avenue, St. Louis, Missouri.

12. On or about February 25, 2010, R.M. was arrested by the Drug Enforcement Agency ("DEA") for theft of pharmaceutical controlled substances.

13. At the time of her arrest, R.M. possessed 2 bottles of #500 count tablets of Hydrocodone, 1 bottle of #500 count tablets of Alprazolam and a sixteen (16) ounce bottle of the controlled substance cough syrup Promethazine with Codeine.

14. Hydrocodone is a Schedule III controlled substance.

15. Alprazolam is a Schedule IV controlled substance.

16. Promethazine with Codeine, a Schedule V controlled substance, is an antitussive combination liquid.

17. R.M. admitted to law enforcement authorities that she diverted controlled substances from her employer, Target Pharmacy T-1515, where Respondent was PIC.

March 4, 2010 Audit of Controlled Substances

18. On or about March 4, 2010, Board Inspector Mike Kidd, and at least seven (7) other agents from the Drug Enforcement Agency ("DEA") met to conduct an audit at Target Pharmacy of controlled substances dispensed between July 4, 2008 and March 4 2010.

19. As a result of the March 4, 2010 audit, the following losses of controlled substances were identified:

Drug / Strength	Initial Inventory	Total Purchased	Total Accountable For	Closing Inventory	Loss	Dollar Value
Acetaminophen w/ Codeine 300/30 mg	650	10,000	10,650	465	-323	\$107.99
Acetaminophen w/ Codeine 300/60mg	320	3,800	4,120	386	-992	\$258.49
Alprazolam .25mg 500 count and 1000 count	900	40,000	40,900	0	-5,997	\$932.49

Alprazolam .5mg 100 count, 500 count & 1000 count	1,400	54,200	55,600	784	+67	
Alprazolam 1 mg 500 count & 1000 count	1,900	46,000	47,900	465	-2,249	\$499.99
Alprazolam 2 mg 100 count & 500 count	320	15,500	15,820	624	-4,966	\$1,613.99
Darvocet N-100/650 100 count	270	1,100	1,370	139	-181	\$364.99
Diazepam 2 mg 100 count & 500 count	110	4,100	4,210	0	-919	\$65.99
Diazepam 5 mg 100 count & 500 count	250	16,700	16,950	530	+44	
Diazepam 10 mg 100 count & 500 count	650	48,500	49,150	187	-37,761	\$7,128.49
Hydrocodone 5/325 100 count	410	14,800	15,210	245	+45	
Hydrocodone 5/500 100 count & 500 count	1,100	59,200	60,300	397	-2,057	\$565.99
Hydrocodone 7.5/200 100 count	150	3,400	3,550	315	-115	
Hydrocodone 7.5/325 100 count	210	18,800	19,010	528	-610	\$457.49
Hydrocodone 7.5/500 100 count	260	5,800	6,060	121	-342	\$113.99
Hydrocodone 7.5/650 100 count	210	3,800	4,010	300	-690	\$287.49
Hydrocodone 7.5/750 100 count & 500 count	505	23,600	24,105	750	-1,169	\$418.99
Hydrocodone 10/325 100 count	190	19,400	19,590	596	-1,116	\$729.99
Hydrocodone 10/500 100 count & 500 count	290	11,400	11,690	44	-6,384	\$2,872.49
Hydrocodone 10/650 100 count & 500 count	500	29,600	30,100	720	-9,719	\$3,238.99
Hydrocodone 10/660 100 count	0	6,800	6,800	270	-2,590	\$1,240.49
Lorazepam .5mg 100 count and 1000 count	300	19,100	19,400	1,130	-345	\$76.99

Lorazepam 1 mg 100 count & 1000 count	470	22,100	22,570	886	-73	\$28.49
Lorazepam 2 mg 100 count	130	2,400	2,530	0	-138	\$96.99
Propoxyphene CAP 65 mg 100 count	660	6,600	7,260	471	+71	
Propoxyphene 50/325 mg 100 count	100	700	800	170	0	
Propoxyphene 100/500 mg 100 count	0	100	100	70	0	
Propoxyphene 100/650mg 100 count, 500 count & 1000 count	0	34,000	34,000	30	+790	
Vicodin 5/500 mg 100 count	0	400	400	130	0	
Vicodin ES 7.5/750 mg 100 count	0	300	300	120	0	
Cheratussin AC w/ Codeine 16 oz.	47 oz.	1,488 oz.	1,535 0z.	34.5 oz.	0	
Cheratussin DAC w/ Codeine 10/100 16 oz.	19 oz.	16 oz.	35 oz.	3 oz	0	
Guafenesin DAC + Codeine 16 oz.	0	48 oz.	48 oz.	48.oz.	0	
Hydrocodone w/ ACET 7.5/500mg 16 oz.	0	256 oz.	256 oz.	34.25 oz.	+36 oz.	
Mytussin DAC w/ Codeine 10/100 16 oz.	16 oz.	36 oz.	52 oz.	18 oz.	-20 oz.	\$61.49
Prometh w/ Codeine 10/6.25mg 16 oz.	17 oz.	272 oz.	289 oz.	19.5 oz.	-56 oz.	\$76.99
Tussionex 10 mg 16 oz.	19 oz	208 oz	227 oz	22 oz	-173 oz.	\$3,762.49
				TOTAL LOSSES		\$25,001.77

20. Acetaminophen with Codeine is a Schedule III controlled substance.

21. Alprazolam is a Schedule IV controlled substance.

22. Darvocet is a Schedule IV controlled substance.
23. Diazepam is a Schedule IV controlled substance.
24. Hydrocodone is a Schedule III controlled substance.
25. Lorazepam is a Schedule IV controlled substance.
26. Propoxyphene is a Schedule IV controlled substance.
27. Vicodin is a Schedule III controlled substance.
28. Cheratussin with Codeine is a Schedule V controlled substance.
29. Guaafenesin with Codeine is a Schedule V controlled substance.
30. Hydrocodone ACET is a Schedule III controlled substance.
31. Mytussin DAC with Codeine is a Schedule V controlled substance.
32. Promethazine with Codeine is a Schedule V controlled substance.
33. Tussionex is a Schedule III controlled substance.

34. On or about March 4, 2010, Target Pharmacy's District Supervisor, R.Ph. Blunt advised Inspector Kidd that Target's policy prohibits employees from bringing purses into the pharmacy area; but that Respondent had not been enforcing the policy.

35. R.Ph Blunt advised that pharmacy technician R.M. was allowed to stage boxes of "return" pharmaceuticals in the back of the pharmacy near the door which allowed for easy transport of controlled substances from the pharmacy without detection.

36. R.Ph Blunt further advised that pharmacy technician R.M. was responsible for ordering drugs for the pharmacy, including controlled substances, and then was also responsible for processing all drug returns on behalf of Target Pharmacy.

37. On March 24, 2010, Respondent's Senior Investigator, Ed Wilson, provided information to the Drug Enforcement Agency ("DEA") regarding the wholesale cost and retail

value of the controlled substances diverted from Respondent's Target Pharmacy while Respondent was acting as its PIC. Said costs are reflected in the above referenced chart.

38. Respondent submitted a Report of Theft or Loss of Controlled Substances which acknowledged loss of the following controlled substances from the pharmacy where Respondent served as PIC:

Trade Name	Quantity Lost
Acetaminophen-Cod #3 Tablet	323 Tablet
Acetaminophen-Cod #4 Tablet	992 Tablet
Propoxyphen-APAP 100-650 mg TB	181 Tablet
Diazepam 2 mg Tablet	919 Tablet
Diazepam 10 mg Tablet	37,761 Tablet
Hydrocodone-APAP 5-500 Tablet	2,057 Tablet
Promethazine-Codeine Syrup	1,680 ml
Lorazepam 0.5 mg Tablet	345 Tablet
Lorazepam 1 mg Tablet	73 Tablet
Lorazepam 2 mg Tablet	138 Tablet
Hydrocodone-APAP 10-500 Tablet	6,384 Tablet
Hydrocodone-APAP 10-325 Tablet	1,116 Tablet
Hydrocodone-APAP10-650 Tablet	9,719 Tablet
Hydrocodone-APAP 10-660 Tablet	2,590 Tablet
Alprazolam 0.25 mg Tablets	5,997 Tablet
Alprazolam 1 mg Tablet	2,249 Tablet
Tussionex Pennkinetic Susp	5,190 ml

Hydrocodone-APAP 7.5-500 Tab	342 Tablet
Hydrocodone-APAP 7.5-650 Tab	690 Tablet
Hydrocodone-APAP 7.5-750 Tab	1,169 Tablet
Hydrocodone-APAP 7.5-325 Tab	610 Tablet
Mytussin Dac Syrup	600 ml
Alprazolam 2 mg Tablet	4,966 Tablet
TOTAL LOSSES	78,621 Tablet 7,470 mls

39. Acetaminophen with Codeine is a Schedule III controlled substance.
40. Propoxyphen-APAP is a Schedule IV controlled substance.
41. Diazepam is a Schedule IV controlled substance.
42. Hydrocodone-APAP is a Schedule III controlled substance.
43. Promethazine with Codeine is a Schedule V controlled substance.
44. Lorazepam is a Schedule IV controlled substance.
45. Alprazolam is a Schedule IV controlled substance
46. Tussionex Pennkinetic Susp is a Schedule III controlled substance.
47. Mytussin DAC is a Schedule V controlled substance.

Statute and Regulations Violated

48. 19 CSR 30-1.031(1)-(2) states as follows:

“(1) All applicants and registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances. In order to determine whether a registrant has provided effective controls against diversion, the Department of Health shall use the security requirement set forth in 19 CSR 30-1.032-19 CSR 30-1.034 as standards for the physical security controls and operating procedures necessary to prevent diversion. Substantial compliance with

these standards may be deemed sufficient by the Department of Health after evaluation of the overall security system and needs of the applicant or registrant.

(2) Physical security controls shall be commensurate with the schedules and quantity of controlled substances in the possession of the registrant in normal business operations. If a controlled substance is transferred to a different schedule, or a noncontrolled substance is listed on any schedule, or the quantity of controlled substances in the possession of the registrant in normal business operations significantly increases, physical security controls shall be expanded and extended accordingly.” 19 CSR 30-1.031 (1)-(2).

49. From at least July 4, 2008 through March 4, 2010, Respondent failed to implement effective security controls for scheduled controlled substances held by Target Pharmacy, where she served as PIC.

50. 19 CSR 30-1.034 (1) states as follows:

“(1) Physical Security.

(A) Controlled substances listed in Schedules I and II shall be stored in a securely locked, substantially constructed cabinet.

(B) Controlled substances listed in Schedules III, IV and V shall be stored in a securely locked, substantially constructed cabinet. However, pharmacies may disperse these substances throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances.” 19 CSR 30-1.034 (1)(A)-(B).

51. 21 CFR 1301.75 (b) states as follows:

“(b) Controlled substances listed in Schedules II, III, IV, and V shall be stored in a securely locked, substantially constructed cabinet. However, pharmacies and institutional practitioners may disperse such substances throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances.” 21 C.F.R. § 1301.75 (b).

52. From July 4, 2008 through March 4, 2010, Respondent failed to provide adequate physical security for Target Pharmacy while serving as its PIC by failing to maintain scheduled I and II controlled substances in a securely locked cabinet of substantial construction and/or by failing to effectively disburse schedule III, IV and V controlled substances in such a

manner as to obstruct the theft or diversion of same.

53. 21 CFR 1301.71(a) states as follows:

“(a) All applicants and registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances. In order to determine whether a registrant has provided effective controls against diversion, the Administrator shall use the security requirements set forth in §§ 1301.72–1301.76 as standards for the physical security controls and operating procedures necessary to prevent diversion. Materials and construction which will provide a structural equivalent to the physical security controls set forth in §§ 1301.72, 1301.73 and 1301.75 may be used in lieu of the materials and construction described in those sections.” 21 C.F.R. § 1301.71(a).

54. 20 CSR 2220-2.010(1)(H) states as follows:

“(H) Pharmacies must maintain adequate security in order to deter theft of drugs by personnel or the public. Sufficient alarm systems or locking mechanisms must be in place if the pharmacy is located in a facility into which the public has access and the pharmacy's hours of operation are different from those of the remainder of the facility.” 20 CSR 2220-2.010 (1)(H).

55. From July 4, 2008 through March 4, 2010, Respondent failed to provide effective security controls and procedures to guard against theft and diversion of schedule II through V controlled substances at Target Pharmacy.

56. Respondent's conduct herein described is in violation of §338.250 RSMo. (2000), 19 CSR 30-1.031 (1)-(2), 19 CSR 30-1.034 (1)(A)-(B), 21 C.F.R. § 1301.75 (b), 21 C.F.R. § 1301.71(a) and 20 CSR 2220-2.010 (1)(H).

Pharmacist-In-Charge Violation
("PIC")

57. As pharmacist-in-charge, Respondent's conduct referenced above constitutes a violation of 20 CSR 2220-2.090(2) which states in pertinent parts:

(2) The responsibilities of a pharmacist-in-charge, at a minimum, will include:

* * *

(B) The traffic in the prescription area must be restricted to authorized personnel only so that proper control over the drugs can be maintained at all times;

* * *

(E) Assurance that all procedures of the pharmacy in the handling, dispensing and recordkeeping of controlled substances are in compliance with state and federal laws;

* * *

(N) The pharmacist-in-charge will be responsible for the supervision of all pharmacy personnel, to assure full compliance with the pharmacy laws of Missouri;

* * *

(P) Policies and procedures are in force to insure safety for the public concerning any action by pharmacy staff members or within the pharmacy physical plant;

* * *

(R) Security is sufficient to insure the safety and integrity of all legend drugs located in the pharmacy;

* * *

(W) Assure full compliance with all state and federal drug laws and rules.

* * *

58. Respondent's failure to ensure the safety and integrity of legend drugs held by Target Pharmacy where she served as PIC resulted in a loss of controlled substances, and permitted other Board licensed entities including Target Pharmacy and its pharmacy technician, R.M., to violate the pharmacy laws of the United States and more specifically, the State of Missouri.

59. As PIC, Respondent failed to restrict traffic and access to the pharmacy area to authorized personnel such that proper control over the pharmacy's drug inventory including controlled substance medications could be exercised at all times.

60. As PIC, Respondent failed to supervise all pharmacy personnel, including but not limited to pharmacy technician R.M., to assure compliance with the federal and state pharmacy laws of the United States and the State of Missouri.

61. As PIC, Respondent failed to assure that all procedures of the pharmacy in the handling and dispensing of controlled substances were in compliance with state and federal laws.

62. As PIC, Respondent failed to implement sufficient security to insure the safety and integrity of all legend drugs located in the pharmacy, including controlled substances.

63. Respondent's conduct herein described constitutes a violation of 20 CSR 2220-2.090(2) and provides further cause to discipline her pharmacist license under the circumstances.

JOINT CONCLUSIONS OF LAW

64. Cause exists for Petitioner to take disciplinary action against Respondent's pharmacist license under Section 338.055, RSMo, (2000) which states in relevant parts:

"2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

* * *

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

* * *

(13) Violation of any professional trust or confidence;

* * *

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government" §338.055.2 RSMo. (2000).

* * *

JOINT AGREED DISCIPLINARY ORDER

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of Section 621.045.3, RSMo:

1. Respondent's pharmacist license will be placed on **PROBATION** for two (2) years pursuant to the provisions of Chapters 338 and 620, RSMo. During the period of probation, Respondent will be entitled to practice the profession of pharmacy pursuant to Chapter 338, RSMo provided she adheres to the following terms of probation:

A. Respondent shall keep the Board apprised of her current home and work addresses and telephone numbers. If at any time Respondent is employed by a temporary employment agency or maintains employment that requires frequent daily or weekly changes of work locations, she must provide the Board a list of locations worked if requested by the Board or Board's representative.

B. Respondent shall pay all required fees for licensing to the Board and shall renew her license prior to October 31 for each licensing year.

C. Respondent shall comply with all provisions of Chapter 338, Chapter 195, and all applicable federal and state drug laws, rules and regulations and with all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.

D. Respondent shall make herself available for personal interviews to be conducted by a member of the Board or the Board of Pharmacy staff. Said meetings will be at the Board's discretion and may occur periodically during the disciplinary period. Respondent will be notified and given sufficient time to arrange these meetings.

E. If, after disciplinary sanctions have been imposed, Respondent ceases to keep her Missouri license current or fails to keep the Board advised of her current place of employment and residence, such periods shall not be deemed or taken as any part of the time of discipline so imposed.

F. If, after disciplinary sanctions have been imposed, Respondent begins employment as a pharmacist or technician outside the state of Missouri, such periods shall not be deemed or taken as any part of the time of discipline so imposed. Respondent may petition the Board to seek a waiver for any portion of this requirement by making such a request in written form to the Board for its consideration. No exception will be made to this requirement without prior board approval.

G. If Respondent leaves the state of Missouri for more than 30 consecutive days, such periods shall not be included as a part of the time of discipline so imposed.

H. Respondent shall provide all current and future pharmacy and drug distributor employers and pharmacist/manager-in-charges a copy of this disciplinary Order/Agreement within five (5) business days of the effective date of discipline or the beginning date of each employment. If at any time Respondent is employed by a temporary employment agency, she must provide each pharmacy and drug distributor employer and pharmacist/manager-in-charge a copy of this disciplinary Order/Agreement prior to or at the time of any scheduled work assignments. Contemporaneously with Respondent giving such written notice, Respondent shall obtain employer's dated signature on the written notification to acknowledge receipt of the Order/Agreement, and within five (5) days of the dated signature Respondent shall submit a copy of the signed written notice to the Board for verification by the Board or its designated representative.

I. Respondent shall not serve as a preceptor for interns.

J. Respondent is not eligible to administer drugs or vaccines as allowed in 20 CSR 2220-6.040 and 20 CSR 2220-6.050.

K. Respondent shall report to the Board, on a preprinted form supplied by the Board office, once every six months (due by each January 1 and July 1), beginning with whichever date occurs first after this Order/Agreement becomes effective, stating truthfully whether or not she has complied with all terms and conditions of her disciplinary order.

L. Respondent shall not serve as a pharmacist-in-charge or in a supervisory capacity of the professional practice of other pharmacists without prior approval of the Board.

M. Respondent's failure to comply with any condition of discipline set forth herein constitutes a violation of this disciplinary Order/Agreement.

N. The parties to this Order/Agreement understand that the Board of Pharmacy will maintain this Order/Agreement as an open record of the Board as provided in Chapters 324, 338, 610, RSMo.

2. Upon the expiration of said discipline, Respondent's license as a pharmacist in Missouri shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Board determines that Respondent has violated any term or condition of this Agreement, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke or otherwise lawfully discipline Respondent.

3. If the Board determines that Respondent has violated a term or condition of this

Settlement Agreement, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Settlement Agreement in its determination of appropriate legal actions concerning that violation.

4. No order shall be entered by the Board pursuant to the preceding paragraph of this agreement without notice and an opportunity for a hearing before the Board in accordance with the provisions of Chapter 538, RSMo.

5. The terms of this Settlement Agreement are contractual, legally enforceable, binding and not merely recitals. Except as otherwise contained herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

6. Respondent, together with her heirs and assigns, and her attorneys, do hereby waive and release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former board members, employees, agents; and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to Section 536.087, RSMo, or any claim arising under 42 U.S.C. Section 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this Settlement Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof void or unenforceable.

RESPONDENT, AS EVIDENCED BY THE INITIALS ON THE APPROPRIATE
LINE,

 JMW REQUESTS


DOES NOT REQUEST

THE ADMINISTRATIVE HEARING COMMISSION TO DETERMINE IF THE FACTS
SET FORTH HEREIN ARE GROUNDS FOR DISCIPLINING RESPONDENT'S
LICENSE.

If Respondent has requested review, Respondent and Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Respondent's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Respondent's license. Effective fifteen (15) days from the date the Administrative Hearing Commission determines that the Settlement Agreement sets forth cause for disciplining Respondent's license, the agreed upon discipline set forth herein shall go into effect.

If Respondent has not requested review by the Administrative Hearing Commission, the Settlement agreement goes into effect fifteen (15) days after the document is signed by a representative of the Board.

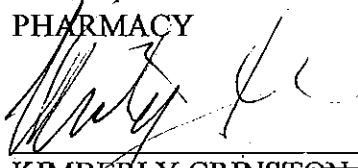
RESPONDENT


VICTORIA ROBINSON WALKER

Date: 1/23/12


PETITIONER

MISSOURI BOARD OF
PHARMACY

By: 
KIMBERLY GRINSTON
Executive Director


Date: 2-8-12

HUSCH BLACKWELL

By: 
Harvey M. Fottlebaum
235 East High Street
P.O. Box 1251
Jefferson City, MO 65102
Telephone: 573/761-1107
Fax: 573/634-7854

Attorneys for Respondent

NEWMAN, COMLEY & RUTH
P.C.

By: 
John A. Ruth #31453
Joshua L. Hill #62951
601 Monroe, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
Telephone: 573/634-2266
Fax: 573/636-3306

Attorneys for Petitioner